

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA SCUPA 2018 IM001

Imperial Rapid Service Inc
542 Grant St
Calexico, CA 92231

CONSENT ORDER

Health and Safety Code
Section 25187 and 25404.1.1

EPA I.D. No. CAL000355007

Respondent.

1. INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control, Imperial Certified Unified Program Agency (DTSC Imperial CUPA) and Imperial Rapid Service, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent operates a public transportation bus repair and maintenance facility at the following site: 542 Grant St., El Centro, CA 92233 (Site).

1.3. Inspection. The DTSC Imperial CUPA inspected the Site on November 17, 2014, and September 30, 2016.

1.4. Authorization Status. Respondent does not have a certificate to manage hazardous materials and hazardous waste at the Site.

1.5. Jurisdiction. Section 25187 and 25404.1.1 of the Health and Safety Code authorizes the DTSC Imperial CUPA to order action necessary to correct violations and assess a penalty when the DTSC Imperial CUPA determines that any person has

violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the DTSC Imperial CUPA does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The DTSC Imperial CUPA alleges the following violations:

2.1.1. Respondent violated California Code of Regulations, title 22, section 66262.34(f), in that on or about November 17, 2014, and again on or about September 30, 2016, IRSI failed to properly label 19 hazardous waste containers. During the inspection conducted on November 17, 2014, IRSI was cited for one 5-gallon bucket of used oil; three 55-gallon drums of used oil; and one 55-gallon drum cut in half containing used oil, all of them being unlabeled. During the inspection conducted on September 30, 2016, IRSI was cited for at least ten 5-gallon plastic buckets containing used oil that were also not labeled. One 250-gallon tote of used oil had a label, but the label was not filled out with all the required information.

2.1.2. Respondent violated California Code of Regulations, title 22, section

66262.34(a)(4) and 66265.31, in that on or about November 17, 2014, and again on or about September 30, 2016, IRSI failed to maintain and operate the facility to minimize the possibility of a fire, explosion, or release of a hazardous waste. During the inspection conducted on November 17, 2014, IRSI was cited for releases of used oil to the loading dock. The used oil spilled was approximately 10 feet by 2 feet at the top of the loading dock, and covered an area approximately 3 feet by 3 feet in size running down the side of the loading dock.

During the inspection conducted on September 30, 2016, IRSI was cited for spills of used oil on cement inside the garage for an area approximately one foot by one foot in size; a spill on the loading dock with dimensions of approximately two feet by seven feet in size; at the base of two 55-gallon drums of used oil filters a spill of about two feet by two feet; and, at the base of one 250-gallon tote of used oil with an area of approximately two feet by two feet in size.

2.1.3. Respondent violated California Code of Regulations, title 22, section 66262.34(d)(2) (Reference 40 CFR section 265.173), in that on or about November 17, 2014, and September 30, 2016, IRSI failed to keep closed, except when adding or removing contents, 15 containers varying in size from five gallons to 55 gallons. During the inspection conducted on November 17, 2014, IRSI was cited for one 5-gallon bucket containing used oil, three 55-gallon drums containing used oil, and one 55-gallon drum cut in half containing used oil, not being closed when not being used. During the inspection conducted on September 30, 2016, IRSI was cited for having at least ten 5-gallon buckets of oil/used oil not closed when not being used.

2.1.4. Respondent violated California Code of Regulations, title 22, section 66266.130(c)(3), in that on or about November 17, 2014, and September 30, 2016, IRSI failed to properly label, and keep closed except when adding or removing contents, three 55-gallon drums of used oil filters. During the inspection conducted on November 17, 2014, one 55-gallon drum of used oil filter was neither labeled nor closed when not in use. During the inspection conducted on September 30, 2016, two 55-gallon drum of used oil filters were neither properly labeled nor closed when not in use.

2.1.5. Respondent violated California Code of Regulations, title 22, section 66262.34(d)(2) (reference 40 CFR 262.34(d)(5)(i), in that on or about November 17, 2014, and September 30, 2016, IRSI failed to post by the telephone the name and address of the emergency coordinator, location of fire extinguishers and spill equipment, and if present, fire alarm, and the telephone number of the fire department, unless the facility has a direct alarm. During the inspection conducted on November 17, 2014, and September 30, 2016, no emergency information was posted near the telephones.

2.1.6. Respondent violated Health and Safety Code section 25507(a), in that on or about November 17, 2014, and again on or about September 30, 2016, IRSI failed to adequately establish and implement a Hazardous Material Business Plan (HMBP) when storing and/or handling a hazardous material above statutory threshold. During the inspections conducted on November 17, 2014 and September 30, 2016, IRSI was cited for not establishing and implementing a HMBP. IRSI is required to establish and implement a HMBP due to having onsite greater than 55 gallons of used oil and product oil. IRSI has never submitted a HMBP.

2.1.7. Respondent violated Health and Safety Code section 25505(a)(4), in that on or about November 17, 2014, and again on or about September 30, 2016, IRSI failed to conduct training, and maintain training records for three years. During inspections conducted on November 17, 2014 and September 30, 2016, IRSI was cited for not conducting training on safety procedures in the event of a release or threatened release, including but not limited to; emergency response plans and procedures, notification requirements, mitigation to reduce the potential harm or damage to persons, property, or the environment, and evacuation procedures.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent shall properly label all hazardous waste containers in accordance with generator requirements.

3.1.2. Respondent shall immediately clean up any releases of hazardous waste upon discovery in accordance with facility emergency response plan. Facility will train personnel on the proper handling and emergency response procedures for hazardous waste releases.

3.1.3. Respondent shall keep all containers of hazardous waste closed when not in use.

3.1.4. Respondent shall manage all used oil filter containers in accordance with generator requirements.

3.1.5. Respondent shall post all required information near the telephones.

3.1.6. This violation has been corrected to the satisfaction of the DTSC Imperial

CUPA.

3.1.7. Within 30 days of the signing of this Order, Respondent shall train all employees on emergency response procedures in the event of a release or threatened release of a hazardous material. Respondent shall provide the DTSC Imperial CUPA with sign-in sheets and a description of the topics covered during the training.

3. 2. Respondent shall make all payments at the time(s) and in accordance with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the DTSC Imperial CUPA and any successor agency that may have responsibility for and jurisdiction over the subject

matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the DTSC Imperial CUPA a total penalty of \$1,500. Of the total penalty, \$750 shall be paid on the effective date of the order, and the remaining \$750 shall be paid in three monthly payments of \$250 each.

5.2. Respondent's check(s) for the penalty shall be made payable to the Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Steven Gailey
Senior Environmental Scientist (Spec)
DTSC Imperial CUPA
Enforcement and Emergency Response Division
Department of Toxic Substances Control
627 Wake Avenue
El Centro, CA 92243

5.3. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code,

section 25360.1, and to pay all costs incurred by the DTSC Imperial CUPA in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the DTSC Imperial CUPA.

Dated: 08/28/2018

Signature on File _____
Luis Castro
Respondent

Dated: 08/28/2018

Signature on File _____
Steven Gailey
DTSC Imperial CUPA